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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,734	09/17/2003	Toukichi Ichige	4495-053	2656
22429	7590	12/01/2005	EXAMINER	
LOWE HAUPTMAN GILMAN AND BERNER, LLP			GORMAN, DARREN W	
1700 DIAGONAL ROAD			ART UNIT	PAPER NUMBER
SUITE 300 /310				3752
ALEXANDRIA, VA 22314			DATE MAILED: 12/01/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

TWS

Office Action Summary	Application No.	Applicant(s)	
	10/663,734	ICHIGE, TOUKICHI	
	Examiner Darren W. Gorman	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 November 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) 2,4 and 7 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,3,5,6 and 8 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 03 October 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 3, 2005 has been entered.

Election/Restrictions

2. Claims 2, 4 and 7 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 15, 2004.

Drawings

3. The replacement drawing sheets were received on October 3, 2005. These drawings are deemed acceptable for overcoming the formal issues as set forth in the Office Action mailed June 2, 2005. However, upon further review, Applicant's attention is directed to the following objection:

The drawings are objected to because Figures 6A, 6B and 6C include an element that does not appear to have a logical purpose in the drawings. The element in question is designated reference number "9" in Figure 6A, and has no reference character designation in Figures 6B and

6C. The element in question appears to be a threaded member, but it is unclear what purpose a threaded element would have where this element appears in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Arguments

4. Applicant's arguments/remarks with respect to claims 1, 3, 5, 6 and newly submitted claim 8 as being patentable over the applied references of the Office Action mailed June 2, 2005 have been considered but are moot in view of the new ground(s) of rejection as set forth below.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Wey, USPN 6,293,963.

Wey shows a water-activating shower apparatus (see Figures 3A and 3B) comprising: a hot or cold water supply part (15), a showerhead (14), and an activated-water generating part (13) disposed between the supply part and the shower head. Wey further discloses that a “far-infrared emitting” ceramic bead (11) may be disposed in the activated-water generating part and expressly discusses that plural ceramic beads (see column 4, lines 12-14) may be housed in the activated-water generating part, such that water is activated before being emitted from the showerhead (see column 4, lines 25-34). Further, Wey teaches that the ceramic beads are typically composed of oxides including, alumina, silica, alumina hydrate, silica hydrate, zirconia, lithium oxide, magnesium oxide, calcium oxide, titanium oxide, or a mixture of the above materials (see column 2, lines 40-44).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wey, in view of Douglas, USPN 6,599,428.

As discussed above, Wey teaches all of the limitations as recited in claim 1, however the disclosure of Wey is mainly concerned with the concept of activating shower water with ceramic materials that radiate far-infrared rays in order to improve the user's hair and skin, aid the user in recovering from stress and fatigue, and enhance blood circulation and metabolism of the human body (see Abstract). As such, Wey only generically describes the showerhead structure in which the far-infrared radiating ceramic materials are disposed. Though the disclosure of Wey does include locating the ceramic materials within an activated-water generating part (see again column 4, lines 25-34) disposed between a water supply pipe and a showerhead, Wey is silent as to the specific structural details of the showerhead apparatus as recited in claims 3, 5 and 6.

Douglas shows a showerhead apparatus comprising: a water-introduction pipe (20) (see Figure 1); a water-supply pipe (12) (see Figure 1); a faceted accommodation chamber (10) installed between the water-introduction pipe and the water-supply pipe, the accommodation chamber including a connecting portion with male and female screws (see Figure 3; and column 3, lines 23-25) and nets (26, 28) (see Figure 4; and column 3, lines 1-6); and a shower filter cartridge (11) being held within the accommodation chamber, the filter cartridge being attached to a showerhead (13) via a pipe-connecting part (30, 12) (see Figures 1-3). Further, as shown in Figure 3, by means of the male and female screws and by means of the gripping facets on the

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outer surface of the accommodation chamber, replacement of the filter by the user is easy (see also column 3, lines 23-25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the water activating showerhead structure of Wey, for the structure taught by Douglas, such that the far-infrared emitting ceramic materials taught by Wey are housed within the filter cartridge of Douglas, thereby rendering the filter cartridge easy to replace due to the threaded attachment and gripping facets.

Regarding the recitation that the accommodation chamber is made of a transparent member, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the accommodation chamber from a transparent member, since the use of transparent material for forming the accommodation chamber in lieu of the material(s) used in the Douglas reference solves no stated problem and would be an obvious matter of choice within ordinary skill in the art.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Gorman whose telephone number is 571-272-4901. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Darren W Gorman
Examiner
Art Unit 3752

DWG "15/05
DWG
November 15, 2005


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